

House Study Bill 276

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON JOCHUM)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to county attorneys, by providing a minimum
2 annual salary.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1951YC 82
5 eg/es/88

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1 1 Section 1. Section 331.752, subsection 5, Code 2007, is
1 2 amended to read as follows:
1 3 5. The resolution changing the status of a county attorney
1 4 shall state the initial annual salary to be paid to the county
1 5 attorney when the full=time or part=time status is effective.
1 6 The annual salary specified in the resolution shall remain
1 7 effective until changed as provided in section 331.907.
1 8 ~~Except in counties having a population of more than two~~
1 9 ~~hundred thousand, the annual salary of a full-time county~~
1 10 ~~attorney shall be an amount which is between forty-five~~
1 11 ~~percent and one hundred percent of the annual salary received~~
1 12 ~~by a district court judge.~~
1 13 Sec. 2. NEW SECTION. 331.752A MINIMUM SALARY FOR COUNTY
1 14 ATTORNEY.
1 15 The minimum annual salary of a county attorney shall be
1 16 determined based upon the population of the county and
1 17 calculated as a percentage of the annual salary received by a
1 18 district judge as follows:
1 19 1. a. For the fiscal year beginning July 1, 2007, the
1 20 minimum annual salary for a full=time county attorney is
1 21 calculated as follows:
1 22 (1) A county with a population of up to twenty=six
1 23 thousand, sixty percent.
1 24 (2) A county with a population of more than twenty=six
1 25 thousand up to fifty thousand, seventy percent.
1 26 (3) A county with a population of more than fifty thousand
1 27 up to one hundred thousand, eighty percent.
1 28 (4) A county with a population of more than one hundred
1 29 thousand, eighty=five percent.
1 30 b. For the fiscal year beginning July 1, 2008, the minimum
1 31 annual salary for a full=time county attorney is calculated as
1 32 follows:
1 33 (1) A county with a population of up to twenty=six
1 34 thousand, sixty=five percent.
1 35 (2) A county with a population of more than twenty=six
2 1 thousand up to fifty thousand, seventy=five percent.
2 2 (3) A county with a population of more than fifty thousand
2 3 up to one hundred thousand, eighty=five percent.
2 4 (4) A county with a population of more than one hundred
2 5 thousand, ninety percent.
2 6 c. For the fiscal year beginning July 1, 2009, and
2 7 succeeding fiscal years, the minimum annual salary for a
2 8 full=time county attorney is calculated as follows:
2 9 (1) A county with a population of up to twenty=six
2 10 thousand, seventy percent.
2 11 (2) A county with a population of more than twenty=six
2 12 thousand up to fifty thousand, eighty percent.
2 13 (3) A county with a population of more than fifty thousand
2 14 up to one hundred thousand, ninety percent.
2 15 (4) A county with a population of more than one hundred
2 16 thousand, ninety=five percent.
2 17 2. a. For the fiscal year beginning July 1, 2007, the
2 18 minimum annual salary of a part=time county attorney is

2 19 calculated as follows:
2 20 (1) A county with a population of up to twenty=six
2 21 thousand, forty=five percent.
2 22 (2) A county with a population of more than twenty=six
2 23 thousand up to fifty thousand, fifty=five percent.
2 24 (3) A county with a population of more than fifty thousand
2 25 up to one hundred thousand, sixty=five percent.
2 26 (4) A county with a population of more than one hundred
2 27 thousand, seventy=five percent.
2 28 b. For the fiscal year beginning July 1, 2008, the minimum
2 29 annual salary of a part=time county attorney is calculated as
2 30 follows:
2 31 (1) A county with a population of up to twenty=six
2 32 thousand, fifty percent.
2 33 (2) A county with a population of more than twenty=six
2 34 thousand up to fifty thousand, sixty percent.
2 35 (3) A county with a population of more than fifty thousand
3 1 up to one hundred thousand, seventy percent.
3 2 (4) A county with a population of more than one hundred
3 3 thousand, eighty percent.
3 4 c. For the fiscal year beginning July 1, 2009, and
3 5 succeeding fiscal years, the minimum annual salary of a
3 6 part=time county attorney is calculated as follows:
3 7 (1) A county with a population of up to twenty=six
3 8 thousand, fifty=five percent.
3 9 (2) A county with a population of more than twenty=six
3 10 thousand up to fifty thousand, sixty=five percent.
3 11 (3) A county with a population of more than fifty thousand
3 12 up to one hundred thousand, seventy=five percent.
3 13 (4) A county with a population of more than one hundred
3 14 thousand, eighty=five percent.
3 15 Sec. 3. Section 331.907, subsections 1 and 2, Code 2007,
3 16 are amended to read as follows:
3 17 1. The annual compensation of the auditor, treasurer,
3 18 recorder, sheriff, county attorney, and supervisors shall be
3 19 determined as provided in this section.
3 20 a. The county compensation board annually shall review the
3 21 compensation paid to comparable officers in other counties of
3 22 this state, other states, private enterprise, and the federal
3 23 government.
3 24 b. In setting the salary of the county sheriff, the county
3 25 compensation board shall consider setting the sheriff's salary
3 26 so that it is comparable to salaries paid to professional law
3 27 enforcement administrators and command officers of the state
3 28 patrol, the division of criminal investigation of the
3 29 department of public safety, and city police agencies in this
3 30 state.
3 31 c. In setting the salary of the county attorney, the
3 32 county compensation board shall consider the required minimum
3 33 salary of county attorneys as set forth in section 331.752A.
3 34 d. The county compensation board shall prepare a
3 35 compensation schedule for the elective county officers for the
4 1 succeeding fiscal year. A recommended compensation schedule
4 2 requires a majority vote of the membership of the county
4 3 compensation board.
4 4 2. At the public hearing held on the county budget as
4 5 provided in section 331.434, the county compensation board
4 6 shall submit its recommended compensation schedule for the
4 7 next fiscal year to the board of supervisors for inclusion in
4 8 the county budget. The board of supervisors shall review the
4 9 recommended compensation schedule for the elected county
4 10 officers and determine the final compensation schedule which
4 11 shall not exceed the compensation schedule recommended by the
4 12 county compensation board. In determining the final
4 13 compensation schedule if the board of supervisors wishes to
4 14 reduce the amount of the recommended compensation schedule,
4 15 the amount of salary increase proposed for each elected county
4 16 officer shall be reduced an equal percentage. However, the
4 17 amount of salary increase for a county attorney shall not be
4 18 reduced by a percentage that would cause the county attorney's
4 19 salary to fall below the applicable minimum amount in section
4 20 331.752A. A copy of the final compensation schedule shall be
4 21 filed with the county budget at the office of the director of
4 22 the department of management. The final compensation schedule
4 23 takes effect on July 1 following its adoption by the board of
4 24 supervisors.

EXPLANATION

4 25 This bill provides a minimum annual salary to be paid to
4 26 county attorneys. Based upon the population of the county in
4 27 which the county attorney serves, the county attorney shall
4 28 receive an amount which is a percentage of the annual salary
4 29

4 30 received by a district judge. The minimum salary requirement
4 31 is phased in over three years, beginning with fiscal year
4 32 2007-2008 and ending with fiscal year 2009-2010. The bill
4 33 addresses both full-time and part-time county attorneys.
4 34 The bill requires the county compensation board to consider
4 35 the minimum salary amounts when setting the salary of the
5 1 county attorney. The bill also prohibits a county board of
5 2 supervisors, in determining the final compensation schedule
5 3 for each elected county officer, from reducing a county
5 4 attorney's salary increase below the applicable minimum
5 5 amounts in Code section 331.752A.
5 6 LSB 1951YC 82
5 7 eg:sc/es/88